

REMARKS

By the present Amendment, Applicants have amended claims 4-6 and 13-15 to more appropriately define the invention.

Claims 4-6 and 13-15 are pending, and claims 1-3, 7-12, and 16-18 have been withdrawn from consideration as drawn to non-elected invention.

In the Office Action, the Examiner rejected claims 4-6 and 13-15 under 35 U.S.C. § 102(e) as anticipated by Kamperschroer (U.S. Patent No. 6,434,399). Applicants respectfully traverse this rejection.

In order to properly anticipate Applicants' claimed invention under 35 U.S.C. §102, each and every element of the claim in issue must be found, "either expressly or inherently described, in a single prior art reference." "The identical invention must be shown in as complete detail as is contained in the . . . claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)." See M.P.E.P. § 2131, 8th ed., 2001.

Kamperschroer fails to teach each and every element of the claimed invention.

Claim 4 recites an information processing apparatus capable of communicating with a portable device by radio. The information processing apparatus includes "means for establishing a radio link to the portable device; means for detecting a field strength in a state where the radio link has been established; and means for activating a specified program among a plurality of programs operable in the information processing apparatus in accordance with a level of the field strength detected by the detecting means, the specified program controlling admission of use for the information processing apparatus."

The Examiner alleged that “Kamperschroer discloses an information processing apparatus capable of communicating with a portable device by radio [fig. 2], comprising: means for establishing a radio link to [a] portable device [col. 7, lines 16-21]; [and] means for detecting a field strength in a state where the radio link has been established [col. 8, lines 30-38].” Office Action, p. 2. Applicants disagree.

The Examiner apparently considered Kamperschroer’s base station BS as corresponding to Applicants’ claimed information processing apparatus. See Kamperschroer, Fig. 2 and col. 7, ll. 16-21. However, contrary to the Examiner’s allegation, Kamperschroer’s base station BS does not include “means for detecting a field strength in a state where the radio link has been established.” The part of Kamperschroer relied upon by the Examiner teaches that “[m]obile parts . . . are fashioned . . . such that a number of transmitting base stations are sought in a first step S1, and that, in a second step S2, the one having the highest field strength is then taken for the logon attempt of the mobile part, wherein the field strength serves as reception criterion for the selection ([see] Fig. 7).” Kamperschroer, col. 8, ll. 29-38. It therefore appears that, even assuming Kamperschroer teaches a means for detecting a field strength, such means for detecting the field strength is included in the mobile parts, not in the base stations. Therefore, Kamperschroer fails to teach at least “means for detecting a field strength in a state where the radio link has been established,” as recited in claim 4.

Moreover, Kamperschroer also fails to teach at least “means for activating a specified program among a plurality of programs operable in the information processing apparatus in accordance with a level of the field strength detected by the detecting

means, the specified program controlling admission of use for the information processing apparatus,” as recited in claim 4.

Therefore, claim 4 is allowable over Kamperschroer. Claims 5 and 6 depend from claim 4 and are allowable at least because of their dependence from a patentable base claim.

In addition, claim 13 recites an operating state control method of controlling an operating state of an information processing apparatus capable of communicating with a portable device by radio. The method includes “detecting a field strength in a state where a radio link to the portable device has been established; and activating a specified program among a plurality of programs operable in the information processing apparatus in accordance with a level of the field strength detected in the detecting step, the specified program controlling admission of use for the information processing apparatus.”

As noted above, in Kamperschroer, the detection of a field strength is carried out by the “[m]obile parts,” rather than the base stations BS, which the Examiner alleged to correspond to Applicants’ claimed information processing apparatus. Kamperschroer, col. 8. ll. 29-38. Kamperschroer does not teach that such detection of field strength “[controls an operation state of]” the base stations BS. Therefore, Kamperschroer fails to teach at least a “method of controlling an information processing apparatus . . . comprising . . . detecting a field strength,” as recited in claim 13.

Moreover, Kamperschroer also fails to teach at least “activating a specified program among a plurality of programs operable in the information processing apparatus in accordance with a level of the field strength detected in the detecting step,

the specified program controlling admission of use for the information processing apparatus.”

Therefore, claim 13 is allowable over Kamperschroer. Claims 14-15 depend from claim 13 and are also allowable at least because their dependence from an allowable base claim.

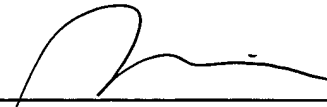
In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 4-6 and 13-15 under 35 U.S.C. §102 and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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Dated: January 7, 2005

By: 

Qingyu Yin*

* With limited recognition under 37 C.F.R. § 10.9(b).